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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

GEORGE L. VONTRESS,

Plaintiff,

v.

STATE OF NEVADA, et al.,

Defendants.

Case No. 2:18-cv-01746-RFB-BNW

**CORECIVIC DEFENDANTS' RESPONSE
REGARDING MOTION FOR LEAVE TO
FILE UNDER SEAL**

Pursuant to the Court's Orders (ECF Nos. 298, 301), Defendants Thomas, Fuller, Williams, and CoreCivic (collectively, "CoreCivic Defendants"), through counsel, respond in connection with their Motion to Seal Exhibit 4 of their Motion for Summary Judgment (ECF No. 270).

The CoreCivic Defendants requested to file Exhibit 4 of their Motion for Summary Judgment under seal because it exclusively contains Plaintiff's medical and mental health records. (ECF No. 270.) The CoreCivic Defendants did so in due diligence to any obligations to safeguard such information pursuant to the Health Insurance Portability and Accountability Act of 1996

1 (“HIPAA”). Defendants also sought to protect, to the extent possible, Plaintiff’s sensitive and
2 private medical information from public exposure and to avoid potential security risks to Plaintiff
3 that having such information available in the public domain poses while he is still in a secure prison
4 environment (such as, for example, another inmate learning Plaintiff’s medical history and using it
5 to intimidate, threaten, or coerce Plaintiff).

6 The Court denied the CoreCivic Defendants’ motion to seal and ordered that, if Defendants
7 wished to renew the motion, it must be filed by July 19, 2021, or the exhibit would be unsealed.
8 (ECF No. 298.) Because the Court noted that Plaintiff has put his medical condition and medical
9 care at issue in this case and that the majority of the records are related to the central issue in this
10 case, the CoreCivic Defendants did not renew their motion.

11 *Chester v. King*, 2019 WL 5420213 (E.D. Cal. Oct. 23, 2019), cited by the Court, appears
12 to be on-point. There, the defendants moved to seal medical records attached to their motion for
13 summary judgment that had been designated as “confidential” under the protective order in place.
14 Although the district court recognized that “[t]his court, and others within the Ninth Circuit, have
15 recognized that the need to protect medical privacy qualifies as a ‘compelling reason’ for sealing
16 records,” it nevertheless found that the defendants failed to show compelling reasons to seal the
17 particular records at issue, which the court considered to be relevant to the claims in the case.

18 The situation here is nearly identical. Plaintiff’s claims against the CoreCivic Defendants
19 are for deliberate indifference to medical needs. In their Motion for Summary Judgment, the
20 CoreCivic Defendants argued that Plaintiff received a comprehensive umbrella of medical and
21 mental health care at CoreCivic’s Saguaro Correctional Center, such that Plaintiff cannot prove that
22 they were deliberately indifferent to his medical needs.¹ (ECF No. 269 at 15–25.) The CoreCivic

23 ¹ Highly security-sensitive information such as dates of birth, Social Security numbers, and staff
24 first names in Exhibit 4 to the Motion for Summary Judgment have been redacted. First names of
25 correctional personnel are security-sensitive, privacy-protected information to which detainees at
26 CoreCivic’s facilities are not privy, and which are not divulged to current or former detainees in
27 order to protect the employees’ privacy and security. For example, first names do not appear on
28 correctional officer name badges. Putting staff members’ full names on the public docket, where
they can be seen by current and former inmates, many of whom are verified members of criminal
gangs, would endanger not only staff members, but their families as well. The potential safety risks
if staff members’ full names become public record in this matter outweigh the need for the public’s

1 Defendants moved for leave to file Plaintiff's medical records under seal to protect his medical
2 privacy and avoid any potential HIPAA violations. Redactions to "non-relevant" information could
3 not be satisfactorily made, however, as Plaintiff's entire record of care is related to the central issues
4 in Plaintiff's Complaint.

5 For these reasons, the CoreCivic Defendants did not renew their Motion for Leave to File
6 Under Seal. The CoreCivic Defendants defer to the Court's discretion whether Exhibit 4 should be
7 unsealed.

8 RESPECTFULLY SUBMITTED this 12th day of August, 2021.

9 STRUCK LOVE BOJANOWSKI & ACEDO, PLC

10 By /s/ Jamie D. Guzman

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19 *Attorneys for Defendants Thomas, Fuller, Williams,*
20 *and CoreCivic*

21 **Order**

22 Having reviewed ECF No. 304, IT
23 IS ORDERED that the Clerk of
24 Court shall unseal ECF No. 271.

25 IT IS SO ORDERED

26 DATED: 4:07 pm, December 08, 2021

27 

28 BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE

access to that information. (*See, e.g.,* Doc. 137, *Freitas v. Thomas*, No. CV-13-01364-PHX-SRB
(ESW), United States District Court, District of Arizona, at 3.)

CERTIFICATE OF SERVICE

I hereby certify that on August 12, 2021, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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I hereby certify that on this same date, I served the attached document by U.S. Mail, postage prepaid, on the following, who is not a registered participant of the CM/ECF System:

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